

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (FM) ECF Case
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This document relates to:

*Ashton, et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977 (GBD)(FM)

JAMES P. KREINDLER, Esq., hereby states under penalty of perjury that:

1. I am an attorney representing the *Ashton* plaintiffs in the above-captioned litigation and I submit this declaration in support of the revised proposed order granting final judgment on behalf of the individual plaintiffs attached hereto as Exhibit A.
2. The source of my information and the basis for my belief in my statements contained herein are my personal involvement in this matter, my firm's representation of the *Ashton* plaintiffs listed in Exhibit A in connection with the September 11<sup>th</sup> litigation against airline defendants, other court records relating to the multi-district litigation to which the *Ashton* plaintiffs are parties and conversations had with family members to the *Ashton* plaintiffs. Any matters about which I lack personal knowledge are asserted herein upon information and belief.
3. All of the decedents listed in Exhibit A died in the September 11<sup>th</sup> terrorist attacks and are survived by the family members whose relationships to the decedents are described in Exhibit A. On October 11, 2016, the *Ashton* plaintiffs identified in Exhibit A filed a motion for final judgments against the Islamic Republic of Iran for: (1) economic damages; (2) solatium damages; (3) punitive damages; and (4) prejudgment. *See* 03-md-1570 (02-cv-6977) (S.D.N.Y.) (GBD) (SN), Doc. No. 3356, Filed 10/11/2016. In support of that motion, I submitted a declaration that included as Exhibit B expert reports demonstrating the economic loss suffered as

a result of the deaths of each of the *Ashton* plaintiffs' decedents. *See* 03-md-1570 (02-cv-6977) (S.D.N.Y.) (GBD) (SN), Doc. Nos. 3357-1 and 3357-2, Filed 10/11/2016. The motion asked for punitive damages in the ratio previously awarded to other *Ashton* plaintiffs and prejudgment interest of 9% per year, as also previously awarded to other *Ashton* plaintiffs. *See* 03-md-1570 (02-cv-6977) (S.D.N.Y.) (GBD) (SN), Doc. No. 3356, Filed 10/11/2016, pp. 2, 6 – 7; *see also* 03-md-1570 (02-cv-6977) (S.D.N.Y.) (GBD) (FM), Doc. No. 3229, Filed 03/09/2016, pp. 1 – 3 (accepting recommendation that prejudgment interest be awarded on claims “aris[ing] out of injuries in New York State ... at the statutory simple interest rate of nine percent per annum ... .”), and Doc. No. 3175, pp. 7 – 9 (recommending prejudgment interest of nine percent “[t]o the extent that the Plaintiffs’ claims arise out of losses in New York State ... .”)

4. On October 14, 2016, the Court asked that to expedite issuance of final judgments, the Exhibit A *Ashton* plaintiffs revise the proposed order for final judgment to make no reference to punitive damages and to state a rate of prejudgment interest of 4.96 per annum, compounded annually. *See* 03-md-1570 (02-cv-6977) (S.D.N.Y.) (GBD) (SN), Doc. No. 3362, Filed 10/14/2016.

5. Accordingly, filed herewith is a proposed final judgment conforming with the Court’s October 14, 2016 order. The revised Exhibit A attached hereto reflects the changes requested in the October 14, 2016 order. The economic loss figures in Exhibit A are supported by the expert reports attached as Exhibit B to the earlier Kreindler Decl. and the solatium damages reflect the amounts previously awarded to relatives of those killed on September 11.

Dated: October 18, 2016  
New York, NY

/s/ James P. Kreindler  
James P. Kreindler (JK7084)